

In rejecting claims 1, 54, and 68 under U.S.C. 102(e) as being anticipated by Pryor, the Office Action relies on Pryor to describe or suggest all of the features of those claims, including the feature of "defining an object detection region within a field of view of the stereo image." In rejecting claims 71, 80, and 85 under U.S.C. 103(a) as being unpatentable over Pryor in view of Maurer, the Office Action relies on Pryor to describe the feature of "defining an object detection region within a field of view of the stereo image" (Office Action, pages 24, 27-28, and 31). With respect to claim 50, the Office Action does not cite a section from Pryor, Gordon, or Onda, to describe the feature of "defining an object detection region within a field of view of the stereo image" (Office Action, pages 20-23). However, as the Office Action relies on Pryor to describe such a feature with respect to others of the independent claims, Applicant assumes that the Office Action intended to rely upon Pryor to describe the feature with respect to claim 50.

Consequently, the Office Action indicates that Gordon, Onda, and Maurer are not relevant to the feature of defining an object detection region within a field of view of the stereo image and smaller than the field of view, which is included in the independent claims. Instead, the Office Action relies solely on Pryor to describe or suggest such a feature. More particularly, the Office Action cites three sections of Pryor to describe the feature.

The Office Action first refers to page 5, paragraph 111 of Pryor in its discussion of claim 1 to describe the feature. The cited paragraph describes detecting a position of a pencil over a piece of paper through detection of a target mounted on the pencil. The Office Action indicates that "the detection region will be tip of pencil" (Office action page 2). However, the cited paragraph does not describe any enabling technical definition or disclosure of the object detection region by an entity performing the remainder of the steps of the method recited in claim 1. Instead, the cited paragraph describes presence of a region without indicating a manner in which this region is defined. Furthermore, the cited paragraph does not describe or teach any techniques for using this region to determine the position of an object in that region (i.e., the cited section does not describe using the tip of the pencil to determine the location of an object within the area defined by the tip of the pencil). Pryor merely names this region, which does not enable any technical features of this region. In other words, Pryor does not provide an enabling

disclosure of the claimed subject matter, because one of skill in the art would not be able to combine the teachings of Pryor with his own knowledge to make the claimed invention without undue experimentation. Consequently, Pryor is precluded from being asserted as an anticipating reference against the claimed subject matter (M.P.E.P. section 2121.01).

In its discussion of claims 54, 68, 71, 80, and 85, the Office Action refers to page 11, paragraphs 247 and 249 of Pryor to describe the feature. The cited paragraphs describe defining a shape that is within a field of view of a camera. A series of points may be captured, and interpolation may be performed between the captured points to identify an outline of the shape. Alternatively, a position of a tool may be continuously tracked as the tool moves over the surface of the shape, thereby capturing the outline of the shape. The defined shape may be called an object detection region (as referred to by the Examiner). However, the cited paragraphs of Pryor do not describe or teach using this region to determine the position of an object in the object detection region.

In response to Applicant's earlier arguments, the Office Action refers to page 18, paragraph 387 as another description of defining an object detection region within a field of view of a stereo image. The cited paragraph describes detecting a position of a pointer relative to a model of a body. The Office Action indicates that the "control region is specific part of human body" (Office Action, page 36). However, the cited paragraph does not describe the active definition of the object detection region (as presently claimed), but rather mere presence of a region. In other words, the cited paragraph does not describe or teach a manner in which the object detection region is defined. As described above, mere naming of the object detection region does not enable the definition of the object detection region.

Furthermore, the cited paragraph does not describe, teach or suggest using the object detection region to determine the position of an object with respect to the object detection region, as recited in the independent claims. Instead, the cited paragraph describes determining the position of the pointer outside of the model of the body (i.e., outside of an object detection region) for use in identifying information relating to body parts located within the body model

near the pointer. In other words, the cited paragraph does not describe, teach or suggest the detection of a position of an object controlled by a user within an object detection region.

Applicants therefore submit that these rejections based on Pryor are not proper because Pryor does not provide an enabling disclosure that anticipates all of the features recited in the independent claims, and as such, Applicants request withdrawal of the rejection of all of the claims. In addition, because Pryor does not provide a proper basis for the rejections set forth in the final office action, Applicants request reconsideration and withdrawal of the finality of this office action.

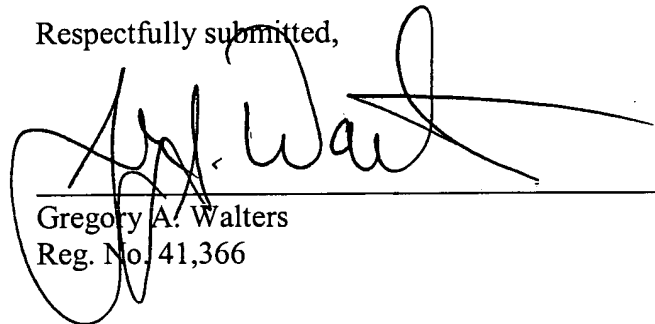
Based on the above, Applicant submits that independent claims 1, 50, 54, 68, 71, 80, and 85 are allowable for at least the above reasons, so that their respective dependent claims 2-49, 51-53, 55-67, 69, 70, 72-79, 81-84, and 86-98 are allowable for at least the same reasons. Therefore, all claims are believed to be in condition for allowance, and such action is hereby requested in the Examiner's next official communication.

No fees are believed to be due. During prosecution of this application, please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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